

BRUCE J. TERRIS  
CAROLYN SMITH PRAVLIK  
KATHLEEN L. MILLIAN  
ALICIA C. ALCORN  
ZENIA SANCHEZ FUENTES  
PATRICK A. SHELDON  
TODD A. GLUCKMAN

**TERRIS, PRAVLIK & MILLIAN, LLP**

1121 12TH STREET, N.W.  
WASHINGTON, D.C. 20005-4632  
(202) 682-2100  
FAX 202-289-6795  
tpminfo@tpmlaw.com

MICHAEL L. HUANG  
NICHOLAS SOARES  
BENJAMIN S. DAVIS  
STEPHANIE ANN MADISON

LYNN E. CUNNINGHAM  
Of Counsel

March 15, 2016

Regional Freedom of Information Officer  
U.S. EPA, Region 2  
290 Broadway, 26th Floor  
New York, NY 10007-1866

*Commenced*

USEPA - REG2  
PAD - FOIA OFFICE  
MAR 23 2016

Re: Freedom of Information Act Request

Dear Sir and/or Madame:

On behalf of the NJ/NY Baykeeper and the Edison Wetlands Institute, our firm is seeking information under the Freedom of Information Act, 5 U.S.C. 552, regarding National Pollution Discharge Elimination System ("NPDES") permits at the former NL Industries Site at 1000 Chevalier Avenue in Sayreville, NJ ("the Site").

- I. Our firm is requesting the following documents, pertaining to the NL Industries, Inc. Site in Sayreville, NJ, NJPDES Permit # NJ0000931:
- a. All records and documents related to NJ0000931, including permit applications, permit renewal requests, permit modification requests, requests to split permit, requests to transfer permit, applications for termination of permit, public notices, fact sheets, draft permits, final permits, and related correspondence, from 1970 to the present. The first NJ0000931 permit was issued on October 7, 1974, and the first permit application is believed to have been submitted on June 29, 1972.
  - b. Although included within request I.a, our firm would like to highlight that we are requesting the following specific documents:
    - i. The first permit application believed to have been submitted on June 29, 1972, that led to the issuance of NJ0000931 on October 7, 1974. Include all related documents.
    - ii. The NJPDES Permit # NJ0000931 believed to have been issued on March 6, 1981 (for DSW). Include all related documents.
    - iii. The NJPDES Permit # NJ0000931 believed to have been issued on April 15, 1985 (for DGW). Include all related documents.
    - iv. The NJPDES Permit # NJ0000931 believed to have been issued on April 27, 2004 (effective date: 5/1/2004). Include all related documents.
  - c. All monitoring report forms and sampling results related to NJPDES Permit # NJ0000931, including, but not limited to: Discharge Monitoring Reports, Annual Inspection Reports, Stormwater Monitoring Reports, Industrial Facility Wastewater

Reports, Reports of Noncompliance, Treatment Works Approval Applications, and Treatment Works Approvals.

- d. All enforcement documents related to NJPDES Permit # NJ0000931, including, but not limited to: Inspection Reports, Notices of Violation, Administrative Consent Orders, and Administrative Orders.
- e. All 401 Certificates submitted to the USEPA by NJDEP that are related to NJPDES Permit # NJ0000931.
- f. All 401 Certificates submitted to the USEPA by NJDEP that are related to NJPDES Permit # NJ0000931.

II. Our firm is requesting the following documents, pertaining to the NL Industries, Inc. Site in Sayreville, NJ, NJPDES Permit # NJ0053198:

- a. All records and documents related to NJ0053198, including permit applications, permit renewal requests, permit modification requests, requests to split permit, requests to transfer permit, applications for termination of permit, public notices, fact sheets, draft permits, final permits, and related correspondence, from 1984 to the present. The first NJ0053198 permit application was submitted on March 8, 1984, and it is believed that the first permit was issued on January 9, 1986.
- b. Although subsumed within request II.a, our firm would like to highlight that we are specifically requesting Permit # NJ0053198 issued on January 9, 1986, as well as all records related to the issuance.
- c. All monitoring report forms and sampling results related to NJPDES Permit # NJ0053198, including, but not limited to: Discharge Monitoring Reports, Annual Inspection Reports, Stormwater Monitoring Reports, Industrial Facility Wastewater Reports, Reports of Noncompliance, Treatment Works Approval Applications, and Treatment Works Approvals.
- d. All enforcement documents related to NJPDES Permit # NJ0053198, including, but not limited to: Inspection Reports, Notices of Violation, Administrative Consent Orders, and Administrative Orders.
- e. All 401 Certificates submitted to the USEPA by NJDEP that are related to NJPDES Permit # NJ0053198.

III. Our firm is requesting the following documents, pertaining to the NL Industries, Inc. Site in Sayreville, NJ, NJPDES Permit # NJ0051764:

- a. All records and documents related to NJ0051764, including permit applications, permit renewal requests, permit modification requests, requests to split permit, requests to transfer permit, applications for termination of permit, public notices, fact sheets, draft permits, final permits, and related correspondence. This permit covers discharges from Solid Waste Facility No. 1219D, PI#133606.
- b. All monitoring report forms and sampling results related to NJPDES Permit # NJ0051764, including, but not limited to: Discharge Monitoring Reports, Annual Inspection Reports, Stormwater Monitoring Reports, Industrial Facility Wastewater Reports, Reports of Noncompliance, Treatment Works Approval Applications, and Treatment Works Approvals.
- c. All enforcement documents related to NJPDES Permit # NJ0051764, including, but not limited to: Inspection Reports, Notices of Violation, Administrative Consent Orders, and Administrative Orders.

d. All 401 Certificates submitted to the USEPA by NJDEP that are related to NJPDES Permit # NJ0051764.

- IV. Our firm is requesting all other permit(s) issued to any person or party related to water and waste at the NL Industries Site from 1965 through the present. For all additional permits that are identified, our firm also requests all records and documents related to the permit, including permit applications, permit renewal requests, permit modification requests, requests to split permit, requests to transfer permit, applications for termination of permit, public notices, fact sheets, draft permits, final permits, and related correspondence.

Because the disclosure of the requested information is in the public interest, we seek a fee waiver for fees related to this request. Specifically, we make this request on behalf of public interest organizations the Raritan Baykeeper, Inc. (d/b/a NY/NJ Baykeeper) and the Edison Wetlands Association, Inc., represented by our law firm in *Raritan Baykeeper, Inc. v. NL Industries, Inc.*, D.N.J., Civ. No. 3:09-cv-4117 (JAP-DEA). These organizations are non-profit entities dedicated to the protection, preservation, and restoration of the ecological integrity of the Raritan River, and seek the requested information in the interests of serving these goals. Disclosure will also contribute significantly to public understanding of the operations and activities of the government and is not in the commercial interest of the requesters.

To discuss any aspect of this request, please contact Benjamin S. Davis at 202-204-8472, or by e-mail at [bdavis@tpmlaw.com](mailto:bdavis@tpmlaw.com).

Sincerely,

A handwritten signature in dark ink that reads "Ben S. Davis" followed by a stylized "SDP" monogram.

Bruce J. Terris  
Benjamin S. Davis  
Michael L. Huang